IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Revision No.:52 of 2007.
Date of decision: 06.09.2007

Regal International ….**Petitioner.**

Versus

Ganga Dutt Verma ….**Respondent**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?

For the Petitioner: Mr.Anuj Gupta, Advocate.

For the Respondent: Mr.B.S. Kanwar, Advocate.

Dev Darshan Sud,J.

The petitioner, who is plaintiff, has approached this court against the order of the learned trial Court dismissing the application instituted by the plaintiff under Section 151 of the Code of Civil Procedure praying that appropriate directions be issued for restoring the possession of the suit property to the plaintiff.

It is alleged that after the issuance of an interim injunction in favour of the plaintiff on 20.1.2007, prohibiting and restraining the defendant from forcibly dispossessing the plaintiff from suit premises, the plaintiff has disobeyed the order and occupied the premises by use of force.

***Whether the reporters of Local Papers may be allowed to see the judgement*?**

The trial Court vide its order dated 01.03.2007 has dismissed the application holding inter alia that the facts alleged would require consideration after recording evidence.

Learned counsel appearing for the petitioner has relied upon judgment of the Supreme Court in ***Meera Chauhan vs. Harsh Bishnoi & Anr., 2006(13) Scale 581,*** holding inter alia that the Court can, in appropriate proceedings, restore possession of the premises from which a party has been dispossessed. Learned counsel for the petitioner also submits that CMA No.42 of 06/07 under Order 39 Rule 2A is pending before the trial Court and will be taken up for further proceedings on 22nd September, 2007.

I have heard learned counsel for the parties and have gone through the record.

The order passed by the trial Court dismissing the application is set aside and a direction is issued that the application for restoration will be decided alongwith the application under Order 39 Rule 2A being CMA No.42 of 06/07. Both the petitions will be disposed of by ***31st December, 2007*** positively. The parties will be granted an opportunity for placing on record such material in support of their claims including evidence which they may wish to do so in support of their respective pleas. This revision petition is, accordingly, disposed of.

Parties are directed to appear before the trial Court on ***22nd September, 2007***. Record of the trial Court be sent back immediately.

CMP No.571 of 2007.

Heard.

This application is allowed. The document is taken on the record of this case. This application is disposed of.

September 6, 2007
(aks)

(Dev Darshan Sud)
Judge.